

AGENDA

**REGULAR MEETING
BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
(502) 875-8500**

**MARCH 17, 2003
5:00 P.M. (EST)**

- | | |
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| 1. INVOCATION | Rev. Jana Hall, First Presbyterian Church |
| ROLL CALL | |
| MINUTES | February 20, 2003 Regular Meeting |
| MAYOR'S REPORT | |

2. CEREMONIAL ITEMS

- 2.1 Introduction of Police Chaplains Reverend William A. Hartung, Shelby County Baptist Ministerial Association, Reverend Daniel E. Wilson, United Pentecostal Church and Reverend Stephen Butler, Grace Fellowship.

Background: Police Chief Ted Evans has recently reestablished a Police Chaplain Program for the Frankfort Police Department. The three chaplains are assigned duties within the Frankfort Police Department in promotion of the police service and are available for counseling to police personnel and their families. The chaplains also assist in special events such as the annual F.O.P. Fallen Police Officers ceremony.

3. ORDINANCES

- 3.1 An Ordinance Amending Frankfort-Franklin County Zoning District Regulations, Article 4, Section 4.41 Special Capitol District; Article 12, Section 12.01 Parking Required in Various Zoning Districts; and Article 17 Architectural Review Board

Purpose: The purpose of this text amendment is to eliminate repetitive meetings before different boards concerning the same item, to make the review process of the SC district similar to the other two historic districts, to encourage the use of pavers in the South Frankfort area rather than concrete or asphalt, to provide credit for street parking along property, to amend the conditional use requirements for retail establishments, and to add a conditional use for confectionery manufacturing .

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (Board of Commissioners) for final approval or denial.

Should the Board of Commissioners desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request made for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the Board of Commissioners. The Board of Commissioners will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

After several discussions with the Zoning Update Committee and Charles Booe of Rebecca Ruth's Candy, it was determined that the SC Ordinance should be amended as attached for the betterment of the South Frankfort community.

On 1/27/03, the Planning Commission took testimony and on 2/19/03, they adopted the summary of testimony, made findings of fact and voted to recommend approval of the Zoning Ordinance Text amendment based on the adopted findings of fact (attached).

Impact: The SC zoning district would be amended as indicated in the attached ordinance (underline text is new, strikethrough text is to be deleted); the Architectural Review Board will act as the Board of Zoning Adjustment and review all variances and conditional uses (to be consistent with the CB and SH districts): parking credit will be given for spaces fronting the site; off-street parking will be encouraged to be pavers; and small cafés will be allowed on certain qualifying area with a conditional use permit, and confectionery manufacturing will be allowed to expand into this area with a conditional use.

Recommendation: Approval.

Attachments: Ordinance.
Report and Recommendation dated 12/5/02.
Minutes, Frankfort/Franklin County Planning Commission, dated 1/22/03.
Minutes, Frankfort/Franklin County Planning Commission, dated 2/19/03.
Map, Special Capitol Zone District.

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: (502) 875-8513
E-Mail: GMuller@fewpb.com

3.2 An Ordinance Rezoning Property Located at 116 East Second Street from "SC" to "CG" and Properties Located at 124, 126, and 128 East Second Street from "SC" to "CL"

Purpose: Mr. John Baughman, for Charles Booe and Rebecca Ruth Candies, is requesting approval of a Zone Map Amendment (Rezoning) from SC (Special Capitol) to CG (General Commercial) for the future expansion of the Rebecca Ruth Candy Factory. The total subject property within the rezoning request contains approximately .87 acres. The specific locations are 116, 122, 124, & 126 East Second Street and 132-134 Logan Street.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (Board of Commissioners) for final approval or denial.

Should the Board of Commissioners desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request made for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the Board. The Board of Commissioners will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On 11/14/02, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the item was tabled for a summary of the testimony to be prepared.

On 1/22/03, the Planning Commission adopted the summary of testimony, made findings of fact and voted to recommend approval (of an amended version of the request) of the zone change based on the adopted findings of fact (attached). The supported motion was to amend the zoning for 116 E. Second St. from SC to CG; 124, 126, and 128 E. Second St. from SC to CL; and 132/134 Logan St. to remain as SC.

Impact: An approval to support the Frankfort/Franklin County Planning Commission's recommendation for a zone map amendment would result in 116 E. Second St. from SC (Special Capitol) to become CG (Commercial General); 124, 126, and 128 E. Second St. from SC (Special Capitol) to become CL (Commercial Limited); and no zone map amendment for 132/134 Logan St. (to remain as SC). The only other impact known is that 116-128 E. Second Street would no longer be under the Architectural Review Board's jurisdiction.

Recommendation: Approval.

Attachments: Drawing depicting applicant's request and Planning Commission's recommendation. Ordinance.
Minutes, Frankfort/Franklin County Planning Commission, dated 1/22/03.
Report and Recommendation to Planning Commission dated 11/7/02.
Application for Zone Map Amendment.
Letters dated 9/3/02, 10/7/02 and 10/11/02.

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: (502) 875-8513
E-Mail: Gmuller@fewpb.com

3.3 An Ordinance Amending Ordinance No. 1, 2001 Series; Ordinance No. 18, 2002 Series; and Frankfort Municipal Code Section 2.93.050 Bi-Weekly Rates.

Purpose: The purpose of this item is to provide second reading and final adoption of an ordinance to reclassify the position of Senior Staff Planner from Grade 78 to Grade 81.

Background: The Board met on 3/3/03 and extended an offer of employment to Mr. Robert Hewitt for the position of Senior Staff Planner within the Planning & Building Codes Department. The offer of employment was based upon a reclassification of the position to Grade 81. A special meeting of the Board of Commissioners was called for 3/10/03 at 12 noon to consider the first reading of this ordinance.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person:

Name: Brenda Kersey
Title: Personnel Director
Department: City Manager's Office
Phone: (502) 875-8500
E-Mail: Bkersey@fewpb.com

4. ORDERS

None.

5. RESOLUTIONS

None.

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Commission member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 Bid Authorization: Pool Chemicals (Parks & Recreation Department).

Purpose: The purpose of this item is to authorize the Parks & Recreation Department to solicit bids from interested suppliers for pool chemicals for the 2003 Swimming Season.

Background: This is an annual bid process in which Parks and Recreation orders pool chemicals for the two municipal swimming pools – Juniper Hill Pool and East Frankfort Pool.

Recommendation: Approval.

Attachments: None.

Contact Person:

Name: Steve Brooks
Title: Director
Department: Parks & Recreation
Phone: (502) 875-8575
E-Mail: parksrec@mis.net

6.2 Sewer Extension Contract with Jim Ashcraft for Tract 1 in Brighton Park (Sewer Department).

Purpose: The purpose of this item is to consider a contract with Jim Ashcraft for Tract 1 in Brighton Park to accept 186 feet of 8-inch sanitary sewer line, 2 manholes and 1 lot (zoned PR development).

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Jim Ashcraft has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval.

Attachments: Sewer Extension Contract.

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: (502) 875-2448
Email: wscalf@fewpb.com

6.3 Sewer Extension Contract with William O. Crumbaugh for Augusta Subdivision on Cardwell Lane (Sewer Department).

Purpose: The purpose of this item is to consider a contract with William O. Crumbaugh for Augusta Subdivision on Cardwell Lane to accept 4,370 feet of 8-inch sanitary sewer line, 24 manholes and 95 lots (zoned residential development).

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

William O. Crumbaugh has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval.

Attachments: Sewer Extension Contract.

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: (502) 875-2448
Email: wscalf@fewpb.com

6.4 Change Order #1 for the Frankfort Research and Office Park Project – Frankfort Plant Board (Public Works Department).

Purpose: The purpose of this item is to consider Change Order #1 for the Frankfort Research and Office Park with the Frankfort Plant Board.

Background: The Board of Commissioners awarded utility installation contracts for the Frankfort Research and Office Park on 8/13/02. The cable extension contract was based on an estimated construction cost of \$8,524.00. The Plant Board's original layout for the cable installation was to extend cable service from the Commonwealth Credit Union lot to serve the 9 new lots. Prior to construction, however, the Plant Board decided to alter the layout for the electric and cable and serve the new development from the Public Service Commission lot. This decision required additional materials and labor that was not represented in their original cable estimate. The net increase to the cable contract is \$5,053.52.

Financial Analysis:	2002/03	Adequate funds in current budget to cover the
	\$200,000	\$5,053.52 expenditure.

Recommendation: Approval.

Attachments: Frankfort Plant Board Invoice #8581C and Original Cable Extension Contract.

Contact Person

Name:	Jeff Hackbart	Carl Mitchell
Title:	Director	
Department:	Public Works	Frankfort Plant Board
Phone	(502) 875-8563	(502) 875-4501
E-mail	jhackbrt@fewpb.com	

6.5 Allocation of Budgeted Funds to the Frankfort/Franklin County Planning Commission (Planning & Building Codes).

Purpose: The purpose of this item is to provide the Frankfort/Franklin County Planning Commission with the budgeted funds from the Planning and Building Codes Department to ensure the implementation of the Zoning Ordinance rewrite is completed as soon as possible.

Background: Within the adopted 2001 Comprehensive Plan and the adopted (3/14/02) Phase II Implementation strategies of the Comprehensive Plan identifies the need and the anticipated costs for a Zoning update (re-write of the zoning ordinances).

The Frankfort/Franklin County Planning Commission is a joint Commission of the City and County. All costs for operational purposes are to be shared 50% by each agency. Applicants cannot pay the operational fees of the Commission.

Phase II of the implementation plan was adopted and accepted in early 2002. The Planning Commission desires to conduct an RFP as soon as possible for the recommended Zoning Update work identified in the Comprehensive Plan.

The requested expenditure to the Frankfort/Franklin County Planning Commission in the amount of \$30,000 is an approved budget item within the 02-03 budget and represents the City's 50% of the Plan's anticipated cost for the Zoning Update work.

Impact: The \$30,000 approved within the Planning and Building Codes budgeted line item under Professional Fees #53265, will be forwarded to the Frankfort/Franklin County Planning Commission.

Recommendation: Approval.

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: (502) 875-8513
E-Mail: Gmuller@fewpb.com

6.6 Change Order #1 on the Underground Wiring Project at Juniper Hill Park – Wilkins Electric Company (Parks and Recreation Department).

Purpose: The purpose of this item is to consider Change Order #1 on the Underground Wiring Project at Juniper Hill Park with the contractor, Wilkins Electric Company.

Background: On 11/21/02, Purchase Order Number RG017439 was issued to Wilkins Electric Company in the amount of \$17,640.00 for rewiring of the Parks and Recreation Department's Central Office, which included the Golf Pro Shop portion of the building. Additional costs will be incurred in installing the PVC conduit from the transformer to the Golf Course Maintenance Barn, which is an increase of \$1,399.00. Another component is extending data and telephone conduit into the central office to the telephone room at a cost of \$1,926.00.

Financial Analysis: The net contract price to Wilkins Electric will increase from \$17,640.00 to \$20,965.00, an increase of \$3,325.00, with funding from Capital Improvements Account.

Recommendation: Approval.

Attachments: None.

Contact Person:

Name: Steve Brooks
Title: Director
Department: Parks and Recreation
Phone: (502) 875-8574
E-mail: parksrec@mis.net

6.7 Authorization to File FEMA Grant Application for Training and Public Education Funds (Fire Department).

Purpose: The purpose of this item is to consider authorizing the Fire Department to apply for FEMA grant funds to be used training and public education.

Background: This is the third year Congress has appropriated funds for eligible fire departments. Funding is available to departments of our size on a 10% matching basis and the grants are very competitive. Grant applications are only accepted from March 3 through April 4, 2003 with grants being awarded after July, 2003. The Department will be applying for two general categories: training and public education funds. These funded categories will include equipment, materials, program funds, educational needs, etc

Financial Analysis: Up to \$32,000 would be required from the City as a 10% match. These funds will need to be appropriated in FY 2003/2004.

Recommendation: Approval.

Attachments: None.

Contact Person:

Name: Wallace Possich
Title: Fire Chief
Department: Fire
Phone: (502) 875-8511
E-Mail: wpossich@fewpb.com

6.8 Personnel.

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
Appointment	James T. Bingham William M. Satterley Justin D. Austin	Public Works	4/1/03	Maintenance Worker positions, Sanitation
Appointment	Robert Hewitt	Planning & Building Codes	4/7/03	Senior Staff Planner
Appointment	Meri Dona Thakurdas	Planning & Building Codes	3/24/03	Staff Planner
Appointment	Ann Tucker Clark	Communications	4/1/03	Telecommunicator, Part Time
Appointment	James A. Pryor	Communications	4/1/03	Telecommunicator, Full Time

Resignation	Donald P. Hedden	Public Works Transit	2/20/03	Bus Driver, Part time
Resignation	Brian Kuykendall	Fire	3/25/03	Firefighter; Authorize payment accrued leave, 96 hours vacation, 40 hours holiday

Attachments: None.

Contact Person:

Name: Brenda Kersey
 Title: Personnel Director
 Department: City Manager's Office
 Phone: (502) 875-8500
 E-Mail: Bkersey@fewpb.com

7. BOARD APPOINTMENTS

7.1 Code Enforcement Board

8. OLD BUSINESS

None.

9. NEW BUSINESS

9.1 Request for Qualifications/Request for Proposals (RFQ/RFP) from Architectural Firms to Perform a Space Utilization Study and Prepare a Siting Plan for a New Maintenance Building (Sewer Department).

Purpose: The purpose of this item is consider authorization to solicit Request for Qualifications/Request for Proposals to initiate the selection process for retaining an architectural firm to study the needs of the Sewer Department, size a new maintenance building and determine the building location.

Background: The Sewer Department currently has no available space for expansion. As the responsibilities of the Department continue to expand, additional space is needed to support the staff and the ongoing operations of the Department. The plan room is currently at capacity and additional file space is needed. With the upcoming move to Geographic Information Systems (GIS), the Department needs additional space for staff to support projected GIS activities.

Additionally, as the Department has added equipment, no provisions have been made to shelter the equipment from the weather and this has resulted in increased maintenance costs on the equipment and accelerated replacement cycles. Sheltering of Department equipment from the weather will result in reduced maintenance costs, longer life expectancy, and improved reliability of the equipment when needed.

With the increases in the reporting on industrial users, discharge requirements, operational requirements, and combined sewer overflow reporting by the Division of Water, expansion and upgrading of the laboratory is needed. The Department is also currently looking at implementing an inspection program for food service establishments to reduce the impact of grease on the collection system. This program would also require expansion of the laboratory.

Statements of Qualifications will be accepted until 4/3/03. The top ranked firm will be requested to submit a proposal for the work to be performed. A recommendation of the selected firm will be made to the Board of Commissioners.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: (502) 875-2448
Email: wscalf@fewpb.com

9.2 Change Order #1 on the Streetscape Phase 2 Project – Grider Engineers, Inc. (Public Works Department).

Purpose: The purpose of this item is to consider Change Order #1 for the Streetscape Phase 2 Project with the General Contractor, Meyer-Midwest, Inc.

Background: On 2/11/03, City staff met with Armond Russ, Commissioner of the Finance and Administration Cabinet, to discuss funding options to place matching streetlights along Broadway in front of the Old Capitol. The Phase 2 Project funds did not allow for placing matching streetlights on the north side of Broadway. Utilizing current bid prices, the City requested \$68,000.00 from the Commonwealth to install approximately 650' of underground conduit and 11 light fixtures and poles. On 3/3/03, the Commonwealth agreed to fund the installation of the streetlights.

Change Order #1 also addresses the following items:

Item 1. Install 14 Streetlights along North Broadway (\$79,909.00). The Finance and Administration Cabinet has agreed to pay \$68,000.00 for the installation of 11 streetlights and 650' of conduit in front of the Old Capital Building. The original contract with Meyer-Midwest included installing the electric conduit along Broadway between Ann Street and Lewis Street but not the light fixtures. This block requires 3 light fixtures to complete the lighting along the north side of Broadway.

Item 2. Concrete Roadway Encasement (\$13,300.00). The Frankfort Plant Board requires conduit installed under the roadway be encased in concrete. The contractor requests payment for 95 cubic yards used to encase the conduit at a price of \$140/cubic yard. The Plant Board notified the project engineer of this requirement after the bid documents were distributed and there was not sufficient time to address this item by addendum.

Item 3. Streetlight Base Plates (\$3,200.00). The project engineer recommended altering the original streetlight pole specified in the original contract. The pole alteration calls for a base plate to anchor the pole instead of a 4' direct bury pole. The new pole design provides desirable maintenance and replacement features and has the same authentic appearance specified by the Kentucky Heritage Council.

Item 4. Additional cost for Railroad bore (\$1,463.17). Meyer-Midwest incurred additional cost associated with the underground railroad bore. The bore layout had to be altered due to conflicts with undiscovered underground utilities. The additional costs identified in the new layout included: the railroad bore diameter was increased from 18" to 24", additional conduit to accommodate the underground services, and a larger underground electric vault. The layout

change also resulted installing 3 electrical vaults instead of four which resulted in a \$6,521.00 deduction.

Item 5. North Lewis Street Storm Sewer Repair (\$4,766.75). An existing storm drain under Lewis Street requires replacement to properly drain the stormwater runoff. The original drain line was not constructed properly and the intersection drains will not function without this repair.

Financial Analysis: Subject to Commission authorization, the net price to Meyer-Midwest, Inc. will increase from \$422,030.55 to \$524,669.47. The Commonwealth of Kentucky will fund \$68,000.00 of the \$102,638.92 requested in Change Order No. 1.

Recommendation: Approval.

Attachments: Change Order #1.
Letter from Commissioner Russ, 3/3/03.

Contact Person

Name:	Jeff Hackbart	Joe Grider
Title:	Director	Project Engineer
Department:	Public Works	Grider Engineers
Phone	(502) 875-8563	(502) 695-5885
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10. CITIZEN COMMENTS (Non-agenda items)

11. COMMISSIONER COMMENTS

12. CLOSED SESSION KRS 61.810, (1), (b), (c) - property, litigation

13. ADJOURNMENT